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7 Attorneys for Defendant  
Cedarpines Park Mutual Water Company  
8

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11 WESTERN DIVISION  
12

13 Lynn Macy,

14 Plaintiff,

15 v.

16 Cedarpines Park Mutual Water  
Company; and all persons unknown  
17 Claiming Any Legal or Equitable Right,  
Title, Estate, Lien or Interest in the  
18 Property Described in the Complaint  
Adverse to Plaintiff's Title, or any  
19 Cloud on Plaintiff Title Thereto and  
DOES 1 through 10 inclusive,

20 Defendants.  
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Case No. 5:24-cv-00668-AB-SHKx

**DECLARATION OF  
CHRISTOPHER MOFFITT IN  
SUPPORT OF MOTION TO  
QUASH SERVICE OF  
SUMMONS**

*[Filed concurrently with Motion,  
Declaration of Selena Alegria and  
Proposed Order]*

Date: August 23, 2024  
Time: 10:00 a.m.  
Dept: 7B  
Judge: Andre Birotte Jr.

Trial Date: Not Set  
Action Filed: March 28, 2024

BEST BEST & KRIEGER LLP  
ATTORNEYS AT LAW  
3390 UNIVERSITY AVENUE, 5TH FLOOR  
RIVERSIDE, CALIFORNIA 92502

**DECLARATION OF CHRISTOPHER MOFFITT**

I, Christopher Moffitt, declare:

1. I am an attorney at law, licensed to practice before all the courts of the State of California. I am of counsel with the law firm of Best Best & Krieger LLP, attorneys specially appearing in this matter for Defendant Cedarpines Park Mutual Water Company. I have personal knowledge of the facts set forth in this Declaration, and if called as a witness in these proceedings, I would and could competently testify thereto.

2. On June 18, 2024, I had mailed to Plaintiff a letter explaining the defects to the service of her summons and complaint. In that letter, a true and correct copy of which is attached hereto as **Exhibit "A"**, I also offered to accept service of the summons and complaint upon correction of the defects.

3. On July 3, 2024, an individual identifying himself as "Jeff Macy" left a voicemail message for me indicating that he was responding to the June 18 letter, and asserting that he believed the documents were "served properly." Jeff Macy did not indicate any interest in correcting the defective summons or serving same on counsel for Defendant. Jeff Macy did not represent that he was either (1) an interested party in this litigation, (2) an attorney, (3) acting on Plaintiff's behalf, or (4) authorized to act on Plaintiff's behalf. I have received no indication from Plaintiff that Jeff Macy is authorized to speak on her behalf, and I received no response to my correspondence from Plaintiff. Not wishing to force Jeff Macy into the unlawful practice of law, I have not returned his call.

4. On July 15, 2024, I accessed the California Secretary of State's website (<https://bizfileonline.sos.ca.gov/search/business>) to identify Defendant's specified agent for service of process. In doing so, I discovered that it was an attorney, Michael Riddell, who works at my firm.

1 I declare under penalty of perjury under the laws of the State of California that  
2 the foregoing is true and correct.

3 Executed this 18<sup>th</sup> day of July, 2024, at Riverside, California.

4 BEST BEST & KRIEGER LLP

5  
6 By:   
7 CHRISTOPHER M. MOFFITT

BEST BEST & KRIEGER LLP  
ATTORNEYS AT LAW  
3390 UNIVERSITY AVENUE, 5TH FLOOR  
RIVERSIDE, CALIFORNIA 92502

# **EXHIBIT A**



Christopher M. Moffitt  
Of Counsel  
(951) 826-8454  
chris.moffitt@bbklaw.com

June 18, 2024

**VIA FIRST CLASS MAIL**

Lynn Macy  
PO Box 103  
Twin Peaks, California 92391

Re: Lynn Macy v. Cedarpines Park Mutual Water Company, et al.  
Case No. 5:24-CV-00668-AB-SHKx

Dear Ms. Macy:

Cedarpines Park Mutual Water Company (“CPMWC”) has retained Best Best & Krieger LLP to represent it in the lawsuit you filed, case number 5:24-CV-00668-AB-SHKx, styled *Lynn Macy v. Cedarpines Park Mutual Water Company, et al.*

First, I would like to request an email address for you to facilitate expedited communication. If you prefer receiving correspondence via mail, however, we will proceed with the address you provided to the court.

I write this letter because the summons you attempted to serve on CPMWC appears to be defective for two reasons. First, the summons indicates that the lawsuit is pending in the Eastern District of California (see enclosed); however, there is no record of a case number 5:24-CV-00668 in that court, and thus the CPMWC has no present ability—or obligation—to respond to any such complaint.

Second, the summons was apparently “dropped off” at CPMWC and was not served on any individual for whom service of process is proper under the Federal Rules of Civil Procedure or California Code of Civil Procedure. (See Fed. R. Civ. P. 4(h) [requiring service either (1)(A) pursuant to the rules of the state in which the district court is located or (1)(B) “by delivering a copy of the summons and of the complaint to an **officer, a managing or general agent, or any other agent authorized by appointment or by law** to receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant” (emphasis added)]; see also Cal. Code Civ. P. §§ 416.10 [requiring service on the person designated as agent for service of process or the president or other officer of the corporation], 415.20 [alternatively permitting service at an office during usual business hours “on the person **who is apparently in charge thereof**...[so long as it is] left with a person at least 18 years of age, **who shall be informed of the contents thereof**” (emphasis added)].)

My understanding is that service was not effected in any of the acceptable manners set forth above. If your understanding differs, please advise immediately.

Lynn Macy  
June 18, 2024  
Page 2

Rather than dispute the method of attempted service in this matter, however, CPMWC has authorized this firm to accept service of the Summons and Complaint in this matter—which should be sent with a Notice and Acknowledgement of Receipt—on its behalf. The Summons must, however, be corrected to identify the correct court prior to service. Once the Summons is corrected, please mail or email me the Summons, Complaint, and Notice and Acknowledgement of Receipt, and we will return the Notice and Acknowledgement of Receipt within the time permitted by law.

Thank you for your prompt attention to this matter.

Sincerely,



Christopher M. Moffitt  
for BEST BEST & KRIEGER LLP

CMM:ncd

Enclosure

1 *Re: CENTRAL DISTRICT OF CALIFORNIA Case Number: 5:24-cv-00668-AB-SHKx*

2 **PROOF OF SERVICE BY MAIL**

3 I am a citizen of the United States and employed in Riverside County, California. I am  
 4 over the age of eighteen years and not a party to the within-entitled action. My business address  
 5 is 3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, California 92502. I am readily  
 6 familiar with this firm's practice for collection and processing of correspondence for mailing with  
 7 the United States Postal Service. On July 18, 2024, I placed with this firm at the above address  
 8 for deposit with the United States Postal Service a true and correct copy of the within  
 9 document(s):

10 **DECLARATION OF CHRISTOPHER MOFFIT IN SUPPORT OF**  
 11 **MOTION TO QUASH SERVICE OF SUMMONS**

12 in a sealed envelope, postage fully paid, addressed as follows:

13 Lynn Macy  
 14 P.O. Box #103  
 15 Twin Peaks, Ca. 92391  
 16 (909) 744 -8480

In Pro Per

17 Following ordinary business practices, the envelope was sealed and placed for collection  
 18 and mailing on this date, and would, in the ordinary course of business, be deposited with the  
 19 United States Postal Service on this date.

20 I declare under penalty of perjury under the laws of the State of California that the above  
 21 is true and correct.

22 Executed on July 18, 2024, at Riverside, California.

23 *Nieka Caruthers-Dodson*

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Nieka Dodson